

## **Exhibit 9**

## Peluso, Kimo

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**From:** Peluso, Kimo  
**Sent:** Wednesday, August 11, 2010 11:49 AM  
**To:** Dominic Picca (DJPicca@mintz.com)  
**Cc:** Blum, Ronald G.; Francis J. Earley (FEarley@mintz.com)  
**Subject:** The Seaport Group LLC v. Dale Earnhardt, Inc., U.S. Dist. Ct. S.D.N.Y., No. 10-cv-01599 (DAB)

Dominic,

I write to document our conversation regarding the Assignment of Claim and Settlement Agreement (the "Assignment Agreement") entered into between Dale Earnhardt, Inc. ("DEI" or "Assignor") and The Seaport Group LLC ("Seaport" or "Assignee").

Seaport and DEI have agreed to extend by one week, until August 18, 2010, the parties' deadline to exercise by written notice any rights they may have to terminate the Assignment Agreement pursuant to Section 4 thereof, subject to the following. Any currently fixed deadlines in the Assignment Agreement subsequent hereto are likewise extended by one week, including the Payment Date and the deadline to execute and file a stipulation to dismiss the Action. Additionally, this agreement is without prejudice to, and shall not be cited or construed against, Seaport's position that there was no event during the 20 Day Period that triggered DEI's termination rights. To be clear, this extension does not enlarge the 20 Day Period described in Section 4, which has already expired.

- Kimo

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